

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
HUNTINGTON DIVISION**

GENBIOPRO, INC.,

Plaintiff,

v.

**MARK A. SORSAIA, in his official capacity
as Prosecuting Attorney of Putnam County
AND PATRICK MORRISEY, in his official
capacity as Attorney General of West Virginia,
Defendants.**

**Civil Action No.: 3:23-cv-00058
(Hon. Robert C. Chambers)**

**PLAINTIFF’S UNOPPOSED MOTION TO EXTEND DEADLINE AND PAGE LIMIT
TO RESPOND TO DEFENDANT PATRICK MORRISEY’S MOTION TO DISMISS**

On this day comes Plaintiff GenBioPro, Inc. (“GenBioPro”), by and through counsel, Anthony J. Majestro, and requests an extension of 10 days and an additional 7 pages in which to respond to Defendant Patrick Morrissey’s Motion to Dismiss (Doc. 19), in light of the brief filed this week by Arkansas and 20 other States (“Proposed State Amici”) in support of Defendants in this action (Doc. 24). GenBioPro’s unopposed request would extend the deadline for GenBioPro’s Response from Tuesday, March 7, 2023, to Friday, March 17, 2023. This request does not pertain to GenBioPro’s Response to Defendant Mark A. Sorsaia’s Motion to Dismiss, which it will file on March 7, 2023, as this Court ordered following the parties’ agreement. *See* Doc. 26.

On February 21, 2023, Defendant Morrissey filed a Motion to Dismiss the case under Rule 12(b)(1) and Rule 12(b)(6). Doc. 19. Local Rule 7.1 requires GenBioPro to respond on or before March 7, 2023. Loc. R. Civ. P. 7.1(a)(7). Three days ago, on February 28, 2023, the

Proposed State Amici filed a nearly 20-page brief in support of Defendants, raising arguments not made in either Defendant's motion. Although the Proposed State Amici's Motion for leave to file indicates (at 2) that they informed counsel for GenBioPro of their intention to file a brief on February 23, 2023, counsel for GenBioPro first learned of this brief when the Proposed State Amici filed it on the docket this week.

In light of the proposed amicus brief, which expands the universe of arguments and caselaw GenBioPro must address in its Response to Defendant Morrissey's Motion to Dismiss, GenBioPro respectfully requests an extension of its filing deadline to March 17, 2023. The addition of State amici also provides good cause to request an additional 7 pages for that Response, for a total of up to 27 pages.

Counsel for Defendant Morrissey has authorized GenBioPro to represent to the Court that he does not object to the 10-day extension and additional 7 pages.

WHEREFORE, Plaintiff GenBioPro moves for the Court to extend the deadline by which it must file its Response to Defendant Morrissey's Motion to Dismiss to March 17, 2023, and to allow GenBioPro to file a response of up to 27 pages.

Dated: March 3, 2023

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Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on this 3rd day of March, 2023, I electronically filed the foregoing
**PLAINTIFF’S UNOPPOSED MOTION TO EXTEND DEADLINE AND PAGE LIMIT TO
RESPOND TO DEFENDANT PATRICK MORRISEY’S MOTION TO DISMISS** with the
Clerk of the Court and all parties using the CM/ECF system.

s/ Anthony J. Majestro

Anthony J. Majestro (WVSB 5165)